

Appendix A

Restoration of Coastal Grasslands at the Former Remington Arms Gun Club; Lordship, CT Sporting Goods Properties, Inc.

The work performed in 2002 to restore coastal grasslands at the Lordship site began on April 4, 2002 with the plantings of 750 bare-rooted Beach Plums within a narrow buffer zone 750 ft. long and 25 ft. wide which is intended to serve as a transition zone between the upland area and the intertidal zone. The narrow strip was remediated in 2000-2001 and is part of a larger area designated as Area 6 which also underwent lead shot remediation during the same time frame. This buffer zone is approximately 0.42 acres in size. The remaining portion of Area 6 is 8.2 acres in size and the two areas represent 8.62 acres in total.

In addition to the plantings of Beach Plums, 450 2-gallon size Bayberries and 750 1-gallon size Switch Grasses were also planted approximately three weeks later due to a delay in plant deliveries. The later plantings were potted plants and were also planted within the buffer zone and a starter fertilizer was added to all the plantings. On May 8, 2002, a soaker hose system was added to provide water to the plants within the buffer zone.

On the larger 8.2 acre portion of Area 6, a mixture of warm season grasses were direct seeded using gas powered seeders. A total of 164 lbs. of seed composed of 20% Tioga Deer Tongue, 20% Cave in Rock Switch Grass, 20 % Niagara Big Bluestem, 20% Camper Little Bluestem and 20% Ramsey Yellow Indian Grass was seeded. Annual Rye Grass was added to the mixture to act as a carrier seed to assist in the seeding process.

Prior to direct seeding, the area was graded and scarified. Seeding was started on April 30, 2002 and completed on May 5, 2002. All work was performed by Greenskeeper Lawn Care of Fairfield, CT.

During the Spring of 2002, ample rainfall was available and all plantings responded well except for the Beach Plums. Only approximately 100 of the 750 bare-rooted Beach Plums sprouted leaves. During the summer and fall of 2002, the site experienced drought conditions and the soaker system was frequently utilized to maintain the plantings within the buffer area. Better than 90% of the plants which were growing in the Spring of 2002 were surviving in Fall, 2002. Survival was largely due to the moisture which was added by the soaker system.

While good seed germination was noted in early 2002, the direct seeding effort did not fare as well and much of the warm season grasses perished during the summer. Heavy competition from volunteer vegetation added to the loss of seedlings. Additionally, patches of Phragmites throughout Area 6 also added to the problem.

On October 1, 2002 a site visit was held with the U. S. Fish & Wildlife Services ("US F&WS") and National Oceanic and Atmospheric Administration ("NOAA") and a decision was reached to perform additional work in the Area 6. The shoreward buffer plantings were responding well and their growth deemed to be acceptable, such that re-planting was not required.

On October 8, 2002, the actively growing stands of Phragmites were sprayed with the herbicide Rodeo by the Connecticut Department of Environmental Protection ("CTDEP"). The spraying was conducted by the CTDEP within Area 6 and also in an adjacent 5.1 acre area where Phragmites were also present to reduce the potential for seedlings to become airborne and re-infest locations within the Area 6 restoration.

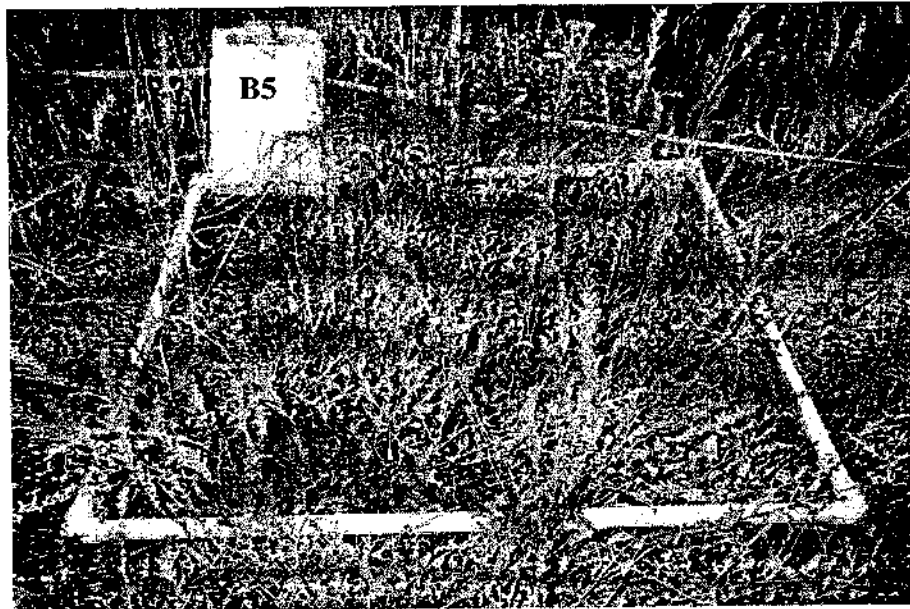
On November 4 and 5, 2002, except for the upland buffer zone, the entire grassland area at Lordship was mowed to approximately eight to ten inches to enable overseeding to take place and to discourage the growth of volunteer woody vegetation. This mowing was performed on a total of 24.5 acres which included an area previously maintained as a lawn, but allowed to revert to natural grasslands. Mowing was performed by Butterworth and Scheck, a local contractor frequently utilized by Sporting Goods Properties, Inc.

To improve upon the developing grasslands at the Lordship site, SGPI accepted an offer from the US F&WS whereby the US F&WS provided the equipment and personnel necessary to reseed Area 6. SGPI provided the seed mix specified by the US F&WS for the reseeding operation. To this end, SGPI purchased a total of 160 lbs. of seed from the Ernst Seed Company. The amount of seed sown was determined by the US F&WS and included a decision to reseed the areas adjacent to Area 6.

On November 6, 2002, the US F&WS reseeded approximately thirteen (13) acres of grassland, including Area 6 at the Lordship site. The soils in this area are almost entirely composed of dredged sediments from the Housatonic River and nearby Long Island Sound, deposited there by the U. S. Corps of Engineers in the mid-1950's. The seeding was performed with the use of a John Deere farm tractor and a Truax drill. Because of improved rainfall in the fall and winter of 2002, good soil conditions were present during the seeding and the seed appears to have been well incorporated into the coarse soils (formerly river sediments). Excellent amounts of precipitation have occurred during the late fall and winter of 2002-2003, and therefore germination of the grasses in the Spring of 2003 is expected to be good.

APPENDIX A
FINAL

**AREA 6 GRASSLAND
MONITORING & MAINTENANCE
PLAN
LORDSHIP POINT SITE
STRATFORD, CONNECTICUT**



February 28 2003

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Barley Mill Plaza
Building 27, Route 141
Wilmington, DE 19805

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Figure 1 Location Map with Plant Survey Transects

SECTION ONE

Introduction

Remediation was performed by Sporting Goods Properties, Inc. ("SGPI") at the Lordship Point site for lead contamination resulting from historical site use as a gun club. As part of the compensation for natural resource injuries and losses, SGPI is required to perform habitat enhancement of Area 6 at the site (Area 6 Restoration Area), as specified in the Consent Decree between the United States and the State of Connecticut (collectively "the Trustees") and SGPI. Area 6 is an 8.2-acre tract of land located on the northern upland portion of the site that was used for dredge spoil disposal and as a staging area during site remediation.

The objective of habitat restoration in Area 6 is to develop a grassland community typical of coastal Connecticut that will provide forage and refuge for birds and other common local wildlife. To satisfy this objective, the Restoration Area was regraded and planted with a mix of warm season grasses in the spring of 2002. Since that time a variety of native, early successional, herbaceous species, including planted and naturally recruited species have become established on Area 6 Restoration Area. A meeting was convened between representatives of SGPI and the Trustees on October 1, 2002 to discuss the status of the Restoration Area and discuss a path forward. Since the meeting, the following proactive measures were taken at the tract to facilitate habitat restoration:

- Patches of *Phragmites* were treated with Rodeo in mid-October 2002 to control this invasive plant.
- A baseline vegetation survey was performed for Area 6 and a reference location on October 29 and 30, 2002. The results of the survey were submitted to the Trustees by a report dated January 17, 2003.
- Immediately following the vegetation survey, the Site was "high-mowed" and reseeded on November 6, 2002 by U.S. Fish & Wildlife Service ("USFWS") personnel with warm season grasses using a Truax® drill. The warm season grass mixture was composed of 20% Tioga Deer Tongue, 20% Cave in Rock Switch Grass, 20% Niagara Big Bluestem, 20% Camper Little Bluestem and 20% Ramsey Yellow Indian Grass. Reseeding was performed over 13 acres of the site.

SECTION ONE

Introduction

To track the progress of the restoration effort, SGPI has prepared this Restoration Project Monitoring and Maintenance Plan (Plan) as provided by the Consent Order. This Plan, describes the activities required to monitor revegetative success of the grassland tract and is based on an understanding of the objectives of the work and Trustee discussions.

2.1 SCOPE

The scope of work for the Plan was designed to monitor the progressive development of the coastal grassland community structure and ecological functions. The scope includes the following elements that are discussed in more detail in subsequent sections:

- Vegetation Survey
- Bird and Wildlife Use Evaluation
- Reference Area Vegetation Survey

As agreed in the October 2002 meeting between SGPI, the USFWS and NOAA, and based on additional input received from USFWS on February 18, 2003 vegetation monitoring will be performed twice in 2003, and birds and wildlife surveys will be performed during three events.

The tract will also be inspected to identify conditions or factors that may disrupt re-vegetation of the grasslands. Conditions requiring corrective measures will be addressed as soon as possible.

The surveys will be conducted and documented by an experienced biologist familiar with area's flora and fauna. SGPI has agreed to undertake the monitoring and maintenance in 2003; however, in the future, responsibility for this activity will transfer to the Organization or entity receiving title to the property.

2.2. VEGETATION SURVEY

A quantitative on-site vegetation survey will be performed in late spring (May-June) and fall (October-November) near the end of the 2003 growing season to assess vegetation restoration success. Similar to the 2002 survey, the transect approach together with one square meter quadrats will be used to assess the extent and type of vegetative cover. However, on review of the aerial distribution of the 2002 transects it was observed that better spatial coverage of Area 6 was desirable for the monitoring survey. Better coverage will be achieved by increasing the

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Grassland monitoring

transect lengths to 100 meters instead of the 100 foot transects used previously. The arrangement of the 100 meter transects is illustrated on Figure 1.

The four transects are approximately evenly spaced across the tract, oriented parallel to and equidistant from each other. Endpoints of each transect will be fixed with Global Positioning System (GPS) co-ordinates and permanently marked with oak stakes during the survey to facilitate mapping and identification of transect locations in future monitoring events.

Five randomly selected quadrat locations will be located along each of the four transects for a total of 20 survey locations. The exact location of each of the 20 quadrats will be selected using a random numbers list generated by an Excel spreadsheet. The time of day each of the quadrats is surveyed will be coupled with a random number that represents the percentage of the distance along the transect length where each of the quadrats will be located.

GPS co-ordinates and photo documentation of each quadrat will be maintained. The percent cover to the nearest 10% will be recorded for all vegetation species noted in the quadrat. Species present at a coverage <10% will be noted as such. The presence of invasive species identified from the *Non-native and Potentially Invasive Vascular Plants in Connecticut* (UCONN 2001) will be noted. Percent bare ground will also be recorded for quadrats where cover is <100%. Observational data on wildlife use of Area 6 will also be recorded. All data will be recorded on Field Sheets.

The grassland should have at least 85% vegetation cover by non-invasive species. Fifty percent of the species must be 'desirable' forms.

VEGETATION MAINTENANCE

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Grassland monitoring

Subsequent to the spring and fall vegetation surveys, but prior to the songbird surveys described below, the Restoration Area will be mowed to promote seed dispersal and accumulation of organic material in the surface soil layer. This process will also promote the development of grass species while discouraging the development of woody plants and weedy herbaceous species, because the grasses can tolerate mowing. However, this mowing schedule is only appropriate for the initial phase of habitat development. As the grassland community matures and wildlife become established, it may be desirable to transition the mowing to once per year in late winter/early spring before green-up. This late winter mowing encourages spring growth and minimizes the potential risks to ground nesting birds. In addition, leaving the fall crop standing through the winter months provides maximum refuge and foraging opportunities for wildlife through the harshest portion of the year. Leaving small groves of native woody plants scattered throughout the grasslands is also a desirable habitat feature, but these areas will need to be managed by hand cutting instead of mowing.

2.3. BIRD AND WILDLIFE USE EVALUATION

Since one of the objectives of the restoration is the establishment of habitat for grassland birds and wildlife, a series of bird and wildlife surveys consisting of twelve sampling dates will be performed over the course of approximately 9 months. To ensure that all possible types of birds are observed, the site will be partitioned into three stations that are consistent with the micro-habitats identified at the site. After the species survey is completed for each station, the station will be reconnoitered for the presence of nests. Stations to be surveyed include:

- Ocean side, for the shorebirds
- Close to the *Phragmites* stand near the tree line, for the above ground nesting birds
- Middle of the lot, for the ground nesting birds

SECTION TWO

Grassland monitoring

The entire survey consists of twelve sampling dates, with one sampling event being comprised of 2.25 hours of observation (i.e., 3 stations X 45 minutes at each station = 2.25 hours total observation for the sampling event). URS' field experiences have shown that a 45 minute interval at each location is necessary because it allows the birds and wildlife sufficient time for acclimating to the observer and to return to their former "normal", undisturbed behavior patterns. Care will be taken not to 'double count' individual birds or mammals observed. The sampling events will be conducted at dawn during the following seasonal intervals:

- 3 sampling dates during the spring migration (late April-May)
- 3 sampling dates during the fall migration (October-November)
- 6 sampling dates during the breeding season (mid-June to mid-July)

Note that in the spring and fall, observation days will be conducted during the week of the vegetation survey. In the summer, observation events will be conducted during two separate, non-consecutive weeks to increase the likelihood of observation of a greater variety of wildlife and migratory bird species.

At the beginning of each observation period the investigator will set up a spotting scope and remain in place quietly recording bird and wildlife observations for 45 minutes. Each location will be recorded with a GPS unit for future monitoring. Qualitative observations of bird and wildlife occurrences and behaviors will be documented. Direct observations of foraging, calling or otherwise utilizing the grasslands will be noted. Indicators of animal foraging on vegetation, and any other relevant secondary information (scat, tracks, nests) will be described in field notes. The grasslands are intended to provide habitat to typical grassland birds and wildlife. Anticipated bird species may include the Savannah sparrow or similar grassland birds. Wildlife species could include white-tailed deer, rodents or other small mammals. Along with vegetation data, these observational data will provide input into the assessment as to whether the

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Grassland monitoring

Restoration Area provides the opportunity and capacity for support of wildlife typical of coastal grassland.

2.4. REFERENCE AREA VEGETATION SURVEY

A qualitative vegetation and wildlife survey will be performed at the Short Beach Park reference location approximately 0.5 miles north of the site along with the Area 6 Restoration Area survey once during each seasonal survey effort (Figure 1). Vegetation and wildlife use of Short Beach Park is another basis for comparison to define what vegetation species are likely to colonize Area 6, and what wildlife forms might use the site.

Short Beach will be reconnoitered and the vegetation and wildlife species will be identified and recorded. General distribution patterns and qualitative assessment of percentage total vegetative cover, dominance (e.g., present, common, abundant, dominant) and presence of invasive species will be noted. Photographic documentation of the plant community will be performed. New species observed will be added to the original data set collected in 2002.

SECTION THREE

Schedule and Reporting

3.1. SCHEDULE

Year 2003 will be the second full growing season for the Area 6 Restoration Area. Vegetation and wildlife surveys will be performed in late spring (May-June), summer (mid June-mid July) and fall (October-November) of 2003 to assess restoration success. Mowing will be performed in late spring and late summer for the first three growing seasons to enhance seed dispersal and accumulation of organic material in the surface layer.

As agreed at the October 1, 2002 Trustee meeting, the Area 6 Restoration Area will be considered a success if data collected demonstrate either that the site is dominated by vegetation favorable to wildlife, or that the site is being used by grassland birds typical of coastal Connecticut. Therefore, if it is demonstrated that desirable vegetation has become established and/or the site is providing suitable habitat function to grassland species, monitoring will cease at the end of 2003. If neither of these metrics is satisfied at levels that are anticipated based on observations of the reference site and an understanding of what species should be present, discussions between SGPI and the Trustees will be convened to define an appropriate path forward.

3.2. REPORTING

The annual report of findings will be provided to the Trustees within 45 days of completion of the early fall survey event. The annual report will include the findings and all data from the spring 2003, summer 2003 and early fall events. The objective of the 2003 report is to demonstrate whether the Area 6 Restoration Area is progressing toward its objectives. If findings are positive (i.e., vegetative cover of desirable species exceeds 50% or the site is providing bird and wildlife function), then the monitoring will cease. As discussed above, if

SECTION THREE

Schedule and Reporting

neither the vegetative cover nor the wildlife use satisfies the general success metrics, then additional discussion between SGPI and the Trustees will be convened.

SECTION FOUR

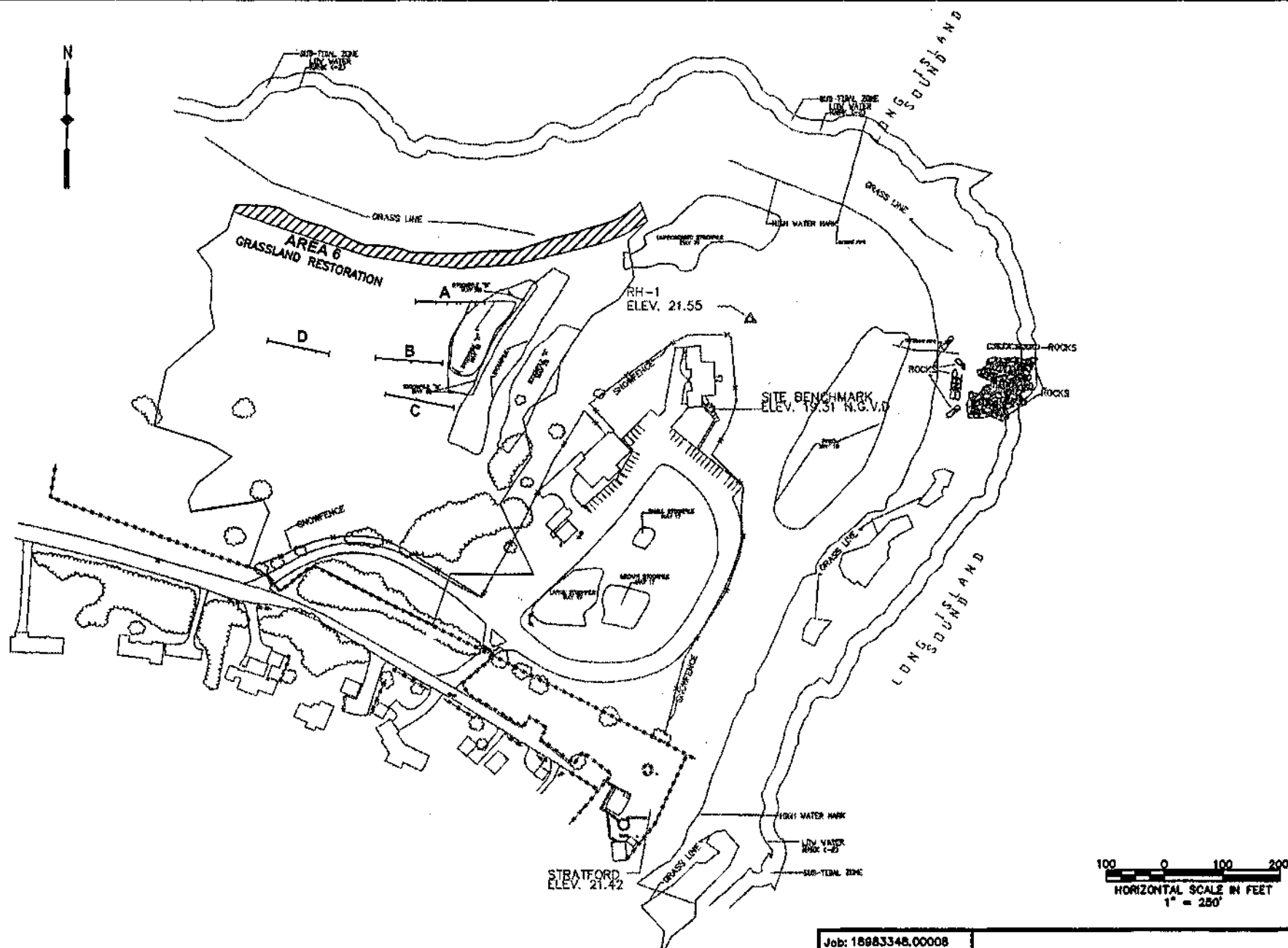
Health & Safety

All survey activities will be reviewed for potential safety hazards. A Project Safety Audit (PSA) will be performed in the field prior to conduct of the work. Appropriate protective equipment will be used in the field as necessary.

SECTION FIVE

References

University of Connecticut. 2001. Non-native and Potentially Invasive Vascular Plants in Connecticut.



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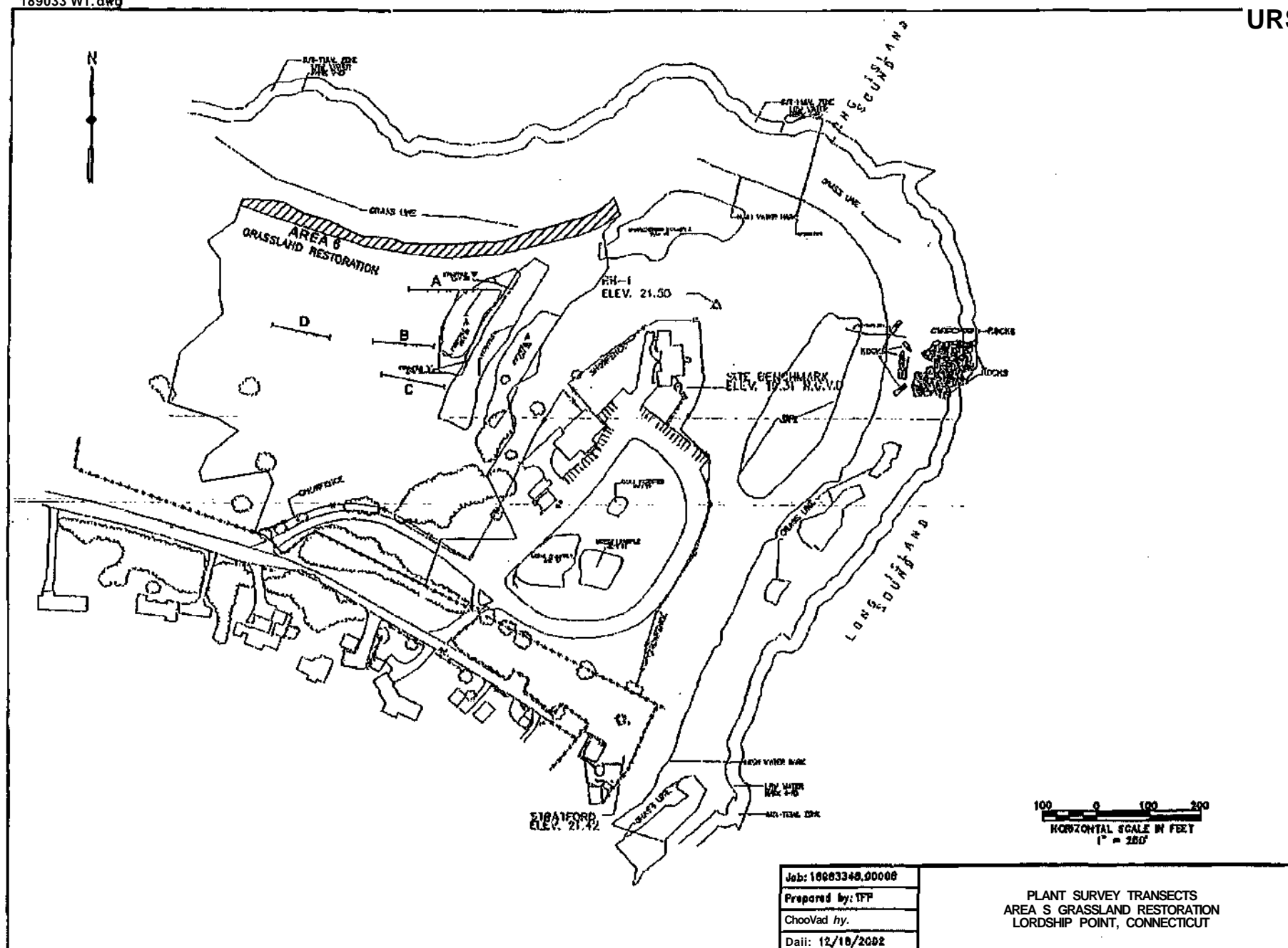
Prepared by:TFP

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Date: 12/18/2002

PLANT SURVEY TRANSECTS
AREA 6 GRASSLAND RESTORATION
LORDSHIP POINT, CONNECTICUT

APPENDIX B



Appendix C
Payment Schedule and Procedures

1, Reimbursement of Assessment Costs. Within 30 days after notice from the Court or the United States, whichever is earlier, that the Consent Decree has been entered by the Court, the Settling Defendant shall pay the following amounts to reimburse costs incurred by the Trustees in assessing the damages to natural resources at the Site:

- (1) \$13,773.31 to the DOI (DOI Assessment Payment);
- (2) \$16,000.00 to NOAA (NOAA Assessment Payment); and
- (3) \$2,000.00 to the Connecticut Department of Environmental Protection (State Assessment Payment.)

These payments shall be made as follows:

a. DOI Assessment Payment: Payment shall be made by Fedwire Electronics Funds Transfer to the U.S. Department of Justice account in accordance with current electronic funds transfer procedures, referencing U.S.A.O. file number, DOJ Case number 90-11-2-06638, and NRDAR Account Number 14X5198. Payment shall be made in accordance with instructions provided to the Settling Defendant by the Financial Litigation Unit of the United States Attorney's Office of the District of Connecticut following lodging of the Consent Decree. Any payments received by the Department of Justice after 4:00 pm (Eastern Time) will be credited on the next business day. Settling Defendant shall send notice that such payment has been made to the persons listed in Section XIII (Notices and Submissions) for notice to the United States. Notice to DOI that such payment has been made shall also be sent to:

Bruce Nesslage
Restoration Fund Manager
DOI NRDAR Program
Mail Stop 4449
1849CSt.NW
Washington, D.C. 20240

and shall reference Accounting Number 14X5198 (NRDAR) and state that the payment is for reimbursement of past natural resource damage assessment costs with respect to the Lordship Point Gun Club Site, situated in Stratford, Connecticut, and is being paid by Sporting Goods.

b. NOAA Assessment Payment: Payment shall be made by Fedwire Electronics Funds Transfer to the U.S. Department of Justice account in accordance with current electronic funds transfer procedures, referencing U.S.A.O. file number, DOJ Case number 90-11-2-06638, and NRDAR Account Number 8K3RCP00. Payment shall be made in accordance with instructions provided to the Settling Defendant by the Financial Litigation Unit of the United States Attorney's Office of the District of Connecticut following lodging of the Consent Decree. Any payments received by the Department of Justice after 4:00 pm (Eastern Time) will be credited on the next business day. Settling Defendant shall send notice that such payment has been made to the persons listed in Section XI~ (Notices and Submissions) for notice to the United States. Notice to NOAA that such payment has been made shall also be sent to:

Kathy Salter
DARRF Account Manager
Office of Response and Restoration
SSMC-4 Work Station #9331
1305 East-West Highway
Silver Spring, MD 20910-3281

and shall reference accounting number "8K3RCP00" and state that the payment is for

reimbursement of past natural resource damage assessment costs with respect to the Lordship Point Gun Club Site, situated in Stratford, Connecticut, and is being paid by Sporting Goods.

c. State Assessment Payment: Payment shall be made by cashier's check or certified check referencing the "Lordship Point Gun Club Site" and payable to "Treasurer, State of Connecticut." The check shall be mailed, with a notice referring to this action, to:

The Office of The Attorney General
55 Elm Street
Hartford, CT 06106
Attn. John M. Looney, Assistant Attorney General

A copy of the check, as well as the notice, shall be sent to:

Mr. Dennis Thibodeau
Financial Services Division
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

2. Payment For Damages. Within 30 days after notice from the Court or the United States, whichever is earlier, that the Consent Decree has been entered by the Court, in addition to the payments identified in Paragraph 1, Settling Defendant shall pay \$218,226.69 as monetary compensation for natural resource damages at the Site to the DOI. Payment shall be made using the U.S. Treasury's Remittance Express program, or, in the event said program is not available to Settling Defendant then via Federal Wire Transfer. Payment shall be made in accordance with instructions provided by the DOI. Any payments received after 4:00 p.m. Eastern Time shall be credited on the next business day. Settling Defendant's notice to DOI that such payment has been made shall be sent to:

Bruce Nessler
Restoration Fund Manager
DOI NRDAR Program
Mail Stop 4449
1849 C St. NW
Washington, D.C. 20240

and shall reference Account Number 14X5198 (NRDAR), shall state that the payment is for Natural Resource Damages with respect to the Lordship Point Gun Club Site, situated in Stratford, Connecticut, and is being paid by Sporting Goods, and shall reference that the payment is for natural resource damages under the trusteeship of the DOI, NOAA, and the State. An additional copy of the notice letter shall be sent by Settling Defendant to the United States as provided in Section m (Notices and Submissions).